passenger as soon as some definite step is taken which renders him liable for his fare, and it is also true that one is not a passenger in some cases where the assent of the carrier cannot be presumed, as when he is on the carrier's premises an unreasonable time before his train starts, *Grimes* v. *Pennsylvania Co.* (1888) 36 Fed. 72, or is in a car which ordinarily is not used to carry passengers. *Haase* v. *Oregon, etc., Co.* (1890) 19 Ore. 354. But where, as in *N. & W. R. Co.* v. *Gallagher*, supra, the relationship is held to exist after the carrier has refused to enter into a contract of carriage, it seems difficult to justify the contract test, and it seems to be totally repudiated when, as in *McNeill* v. *D. & C. R. Co.* (N. C. 1904) 47 S. E. 765, the court finds that the contract of carriage is void, but still rules that the relationship exists. One who enters a station a reasonable time before his train starts is a passenger, but at that time no consideration has passed; he is under no obligation to travel, and may leave without objection from the carrier.

The question seems to be one, not of contract, but of duty to the public, and this duty to a member of the public seems to arise from the concurrence of two facts: (1) that the person has the intention of entering into a contract of carriage, and (2) that he has put himself under the care and control of the carrier in a proper and customary manner.

CRIMINAL CONTEMPTS A PROPER SUBJECT OF REVIEW.—The Supreme Court has recently had occasion to examine its prior decisions in cases where a review of criminal contempt proceedings was sought, and it came to the conclusion that reviews in those cases had been denied, not because there is something in contempt proceedings which renders them not properly open to review, but because they are of a criminal nature, and previous to the Act of March 3, 1891, no provision had been made for review of criminal cases in the federal courts. *Besette* v. *Conkey Co.* (1904) 194 U. S. 324.

Proceedings for criminal contempt are to preserve the power and vindicate the dignity of the court. In re *Nevitt* (1902) 117 Fed. 448. An insult to a single court is an insult to the entire judicial system, and so an offence against the people. *Watson* v. *Williams* (1858) 36 Miss. 331. As such it is a crime and is subject to legislative regulation, 4 COLUMBIA LAW REVIEW 65, and to pardon by the executive. 3 id. 45. But, unlike other crimes, contempts are inseparable from the courts, and, it would seem, from the particular court which is challenged. The power to fine and imprison for contempt has always been regarded as necessary to and inherent in all superior courts, 4 Blackstone's Com. 286. *Anderson* v. *Dunn* (1821) 6 Wheat. 204, 227; Ex parte *Robinson* (1873) 19 Wall. 505, 510, and in the *Case of the Earl of Shaftsbury* (1677) 2 St. Tr. 616, 622, it was decided in England that every court must be the sole judge of its own contempts. This was affirmed in *Regina* v. *Paty* (1705) 2 Ld. Ray. 1105, and in *Crosby's Case* (1771) 3 Wilson 188, and this doctrine is followed in the United States. No court will punish a contempt of another court. *Penn* v. *Messinger* (Pa. 1791) 1 Yeates 2; Ex parte *Chamberlain* (N. Y. 1825) 4 Cow. 49, and where the court has jurisdiction, no other court can review the merits of the decision, *Case of*

Yates (1809) 4 Johns. 317; *State* v. *Tipton* (Ind. 1822) 1 Blakf. 166, since the judgment for contempt should be summary, without submitting the question of disobedience to another tribunal, be it a jury or another court. In re *Debs* (1894) 158 U. S. 564, 594. The jurisdiction, of the lower court, however, may be inquired into by writ of error or appeal, though no finding of the inferior court as to the fact of contempt can be questioned by the superior court; *Bickley* v. *Comm.* (Ky. 1829) 2 J. J. Marsh. 573, and, similarly, certiorari may be issued to ascertain whether the inferior court had jurisdiction and exercised it according to law, but not to inquire into the merits of the case. *Case of Hummel and Bishoff* (Pa. 1840) 9 Watts 416, 431; *People* v. *Turner* (1850) 1 Cal. 152.

With one exception, In re *Watts* (1903) 190 U. S. 1, the federal decisions have been in accord with these doctrines. In Ex parte *Kearney*, supra, Mr. Justice STORY, denied review on the ground that the court had no appellate jurisdiction in criminal matters, but he was careful also to point out that from its nature a contempt proceeding could not be reviewed, except as to the question of jurisdiction, and the same doctrine has been referred to approvingly in later cases. *New Orleans* v. *S. S. Co.* (1874) 20 Wall. 387, 392; Ex parte *Fiske* (1885) 113 U. S. 713; In re *Debs*, supra. The lack of appellate jurisdiction was obviated in In re *Chetwood* (1897) 165 U. S. 443, 461, by issuing certiorari, but only to correct an excess of jurisdiction, and in In re *Watts* the question does not seem to have been presented to the court as an objection, though the facts constituting the contempt were reviewed and the order reversed. Although the principal case involves only a question of jurisdiction, the language of the opinion covers the action of the court in In re *Watts*, and if a case should now come before the court it would seem that it could follow In re *Watts*, citing the opinion in the principal case in support of that doctrine, or decide in accordance with the principle repeatedly declared, but not adjudged, since Ex parte *Kearney*, in 1822.

LEGISLATIVE CONTROL OVER THE RIGHT TO VOTE.—The question as to how far the legislature may go in providing regulations for elections, without infringing the Constitutional privilege of the right to vote, is not infrequently before the courts. The mere granting of the right to vote by the Constitution does not mean that the right may be exercised in any and every way without regulation. The legislature may, in the absence of directions to the contrary, provide regulations for voting, though in so doing it cannot, of course, abrogate qualifications fixed by the Constitution, nor can it add new ones, unless the power to do so is given. See *Comm.* v. *McClelland* (1886) 83 Ky. 686, 691. Registration laws, for instance, though they impose certain prerequisites before the right to vote can be exercised, are generally held to be constitutional. *People* ex rel. *Foley* v. *Kopplekom* (1868) 16 Mich. 342. It is essential that the regulation made by the legislature be reasonable in order to avoid conflicting with the constitution, *Comm.* v. *McClelland* supra, and while no specific test can be named to determine what is and what is not a reasonable regulation,